

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AVALON HOLDINGS CORP.,

Plaintiff,

v.

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

No. 18-CV-7291 (DLC) (RJL)

ECF Case

Related to:

NEW CONCEPT ENERGY, INC.

Plaintiff,

v.

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

No. 18-CV-8896 (DLC) (RJL)

ECF Case

**AFFIDAVIT OF MIRIAM TAUBER IN SUPPORT OF PLAINTIFFS'
APPLICATION TO REGISTER THE JUDGMENT IN ANOTHER DISTRICT**

I, MIRIAM TAUBER, affirm the following upon my oath as an attorney,
intending the penalties of perjury to apply:

1. I am counsel of record for the Plaintiffs in these related cases. I submit this Affidavit in support of Plaintiffs' Application to Register the Judgment in Another District as ordered by the Court. (Avalon Dkt. 288; New Concept Dkt. 272.)

2. On March 20, 2024, the Court entered Final Judgments against Defendant Guy Gentile and in favor of each of the Plaintiffs in these cases. Final Judgment was entered in favor of Plaintiff Avalon Holdings Corp. in the amount of \$8,219,175. (Avalon Dkt. 281). Final

Judgment was entered in favor of Plaintiff New Concept in the amount of \$8,073,283. (New Concept Dkt. 265.)

3. The Defendant has filed Notices of Appeal of both Judgments but has not posted a bond to secure either of the Judgments pending appeal.

4. The Defendant was served in the Avalon case by posting a copy of the Summons and Complaint with the security guard of his confirmed residence at 105 Avenida De Diego, San Juan, Puerto Rico 00911. (*See* Aff. of Service, Avalon Dkt. 18.) (Defendant subsequently acknowledged service in the later-filed New Concept action, *see* Stip., New Concept Dkt. 14.)

5. The Defendant has admitted and testified that he is domiciled and resides in Puerto Rico. *See* Answer to Avalon Am. Compl. ¶11 (Avalon Dkt. 36) (“**Defendants admit that the Defendant Gentile is domiciled in Puerto Rico**”); Answer to New Concept Am. Compl. ¶2 (New Concept Dkt. 29) (same).

See also Gentile Dep. Tr., 2/24/2020, p.4 (Pl. Hearing Ex. 1; *also filed* at Avalon Dkt. 112-1; New Concept Dkt. 102-1):

Q. “You said you're a resident of Puerto Rico?”

A. Correct.

Q. Could we have a full address, for the record?

A. I'm not going to disclose my full address. It's San Juan, Puerto Rico.”

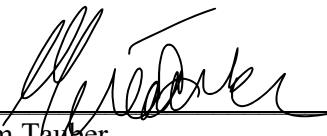
6. Plaintiffs intend to perform a title search if the Judgments are registered in the District of Puerto Rico and thus “domesticated” in Puerto Rico.

7. Plaintiffs are not presently aware of any property belonging to the Defendant in this District.

8. Plaintiffs have served the Defendant’s current counsel at Olshan, Frome and Wolosky LLP, with discovery requests with the aim of identifying assets available to satisfy the Judgments in this District, the District of Puerto Rico, or any other Districts. Defendant’s counsel

has refused to respond. Plaintiffs then filed a letter motion addressed to Magistrate Judge Lehrburger, who has been overseeing discovery in the cases, seeking to compel Defendant's counsel to respond and provide the Defendant's current address as required by Local Rule 26.1. Defendant's counsel has responded, and the application is pending. (See Avalon Dkt. 287, 289; New Concept Dkt. 271, 273.)

Dated: New York, NY
May 3, 2024



Miriam Tauber
Attorney for Plaintiffs/Judgment Creditors
Avalon Holdings Corp.; New Concept Energy, Inc.